

JOSEPH PIKE.

[To accompany Bill H. R. No. 676.]

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APRIL 20, 1860.

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Mr. FOSTER, from the Committee on Invalid Pensions, made the following

REPORT.

*The Committee on Invalid Pensions, to whom was referred the petition of Joseph Pike, of New Hampshire, made the following report :*

From the petition and evidence in this case it appears that the petitioner enlisted in the service of the United States as a private on the 11th day of March, 1813, at Hebron, New Hampshire, for during the war, and served faithfully until he was honorably discharged at Portsmouth, New Hampshire, on the 11th day of April, 1815; his discharge is signed by Eben Way, captain of the fourth infantry, superintending recruiting service, and D. Parker, adjutant general; that petitioner, after his enlistment, served under Captains Loving and Bigelow, in the twenty-first infantry, but in the season of 1813 was transferred to Captain John Binney's company, fourth regiment of infantry; that on or about the first of December, 1813, while engaged in the line of his duty, under the direction of Captain Binney, in hewing a stick of timber for the United States hospital, then in course of erection at Plattsburg, New York, the axe slipped and cut off his great toe and the next one to it of his left foot; that the great toe is cut off so as to take a portion of his foot, and the toe next to it is cut off close to the foot; whenever he uses his foot in walking it increases his lameness in his left ankle, which swells whenever he uses it, and is much weaker than his other ankle; that, in consequence of said wound, he has lost the use of his foot in a great measure, and for eighteen months thereafter was unable to wear a stocking or shoe upon his foot, and ever since he received said wound he has been at least one-half disabled thereby from obtaining his subsistence from manual labor, and his present disability proceeds from said injury and from no other cause; that he was in the hospital at Plattsburg, New York, about two months after the injury, when he was removed to Burlington, Vermont, where he remained in hospital until March, 1814, when he received a furlough and went home to Hebron, New Hampshire, to recruit; he was obliged to walk on crutches for more

than a year, and, when peace was declared, he went to Portsmouth, New Hampshire, to receive pay for his services and be discharged with other army invalids. The rolls to the first of July, 1814, show that he was "on furlough since 18th of March, 1814, sick;" the affidavit of Charles F. Binney proves that his father, Captain John Binney, died in Boston in 1838.

David Fowler, of Alexander, New Hampshire, testifies that he was attached to the twenty-fifth regiment of infantry, and discharged at the same time and place with petitioner, who was then lame; witness served with petitioner under Lieutenant Loving, and left petitioner at Little York; that petitioner was lame at the date of his discharge from wounds received in the army.

Enoch Brainard, of Alexander, New Hampshire, testifies that petitioner, who was a soldier of the war of 1812, came home on furlough from said service directly to the house of witness, in Bridgewater, and tarried there some time; and that he was very lame in one foot, having lost two toes, and has been lame ever since in consequence of said wound in the foot.

David Noyes, of Hebron, New Hampshire, aged 65 years, in his deposition of December 8, 1856, testifies that he was well acquainted with petitioner, who was a citizen of said town from 1816 to 1836, and knew of his enlisting and going into the army in the war of 1812; after an absence of about one year, he returned lame, having, as witness understood at the time, been wounded in his left foot while on duty as a soldier in the army at Plattsburg, New York; witness knew petitioner intimately for several years after he came from the army, and has seen him frequently from that time to this, and knows that he has always been lame in consequence of the wound received as above stated, and witness has no doubt his lameness was caused by the wound received while in the army as aforesaid.

William Cross, of Groton, Vermont, in his affidavit of October 8, 1850, says that he and Pike served together in Lieutenant Loving's company; they marched to Burlington and Sackett's Harbor; that petitioner remained in the army until he was wounded by having several of his toes cut off; petitioner and witness were discharged together at Portsmouth, New Hampshire, April, 1815.

Moses Chase, of Campton, Grafton county, New Hampshire, aged 71 years, in his deposition of April 19, 1856, says that he was a soldier in the war of 1812; that he enlisted at Dover, New Hampshire, on the 16th of May, 1810, for five years, in Captain Paul Wentworth's company, in the fourth regiment, commanded by Colonel Boyd; that in May, 1812, he went to Burlington, Vermont; then in 1813 deponent went to Plattsburg, New York, where he first became acquainted with petitioner, Joseph Pike, who then belonged to a company of infantry commanded by Captain John Binney. Witness was knowing to said Pike's being wounded; thinks it was in the fore part of December, 1813, said Pike was hewing a stick of timber for the hospital, when he cut off his great toe and the next one to it. Deponent was present and saw his foot dressed, and saw him frequently while he was in the hospital, until the month of February following, when he was removed to the hospital in Burlington aforesaid, as deponent

understood, and he has not seen said Pike until recently, when deponent recognized him at first view.

Samuel Rogers, a justice of the peace and surgeon, of Grafton county, New Hampshire, before whom the foregoing deposition of Moses Chase was taken, certifies to his credibility as a witness, and adds: "I have examined the within-named Joseph Pike's foot, and find it as described by the deponent within named."

It appears that petitioner was by occupation a cooper, but has been unable to work much at his trade in consequence of disability. He has obtained his subsistence by cultivating a small piece of land with the aid of his family, and his habits have been temperate. John Rogers, the magistrate before whom petitioner's declaration for a pension was taken on the 15th day of August, 1856, says he is acquainted with declarant, and knows him to be the person he represents himself to be, and that he is reputed, in the neighborhood in which he resides, to have been a soldier of the war of 1812, and to have been wounded as he states; and he, the magistrate, concurs in that opinion. Petitioner's application for a pension appears to have been made February 26, 1851; his petition to Congress is dated December 25, 1857. The medical testimony in the case is as follows:

Robert Burns, M. D., of Plymouth, New Hampshire, in his deposition of December 1, 1851, says that he is well acquainted with petitioner, and has this day examined his left foot. The great toe and the toe next to it are wholly gone; the last-named toe is cut off close to the foot, and the great toe is cut off so as to take a portion of the foot with it. This wound materially affects the other toes, and deprives petitioner of their use; and, in the opinion of deponent, this wound occasions a disability amounting to one-half, according to the rule of the Pension department in determining the degree of disability. Deponent has known petitioner for about twenty years.

Samuel Rogers and Samuel Long, surgeons, of Plymouth, New Hampshire, in their sworn certificate of August 16, 1856, state that by satisfactory evidence and accurate examination it appears that on or about the first of December, 1813, being engaged at work hewing timber for the United States hospital, then in the course of erection at or near Plattsburg, New York, the said Joseph Pike received a wound or injury in his left foot by means of an axe which he was using, which slipped and cut off his great toe and the toe next to it. The great toe is cut off so as to take a portion of his left foot, and his toe next to the great toe is cut off close to the foot, which wound materially affects the other toes, and deprives said Pike of their use, and materially affects his whole foot, depriving him in part of its use, and he is thereby not only incapacitated for military duty, but, in the opinion of the undersigned, (surgeons,) more than one-half disabled from obtaining his subsistence from manual labor; and his present disability, in our opinion, is the result or effect of the aforesaid injury, and proceeds from that and no other cause. We are also of opinion that said Joseph Pike has been one-half disabled, in consequence of said injury, ever since he received said wound, and that said disability has been, and is now, a permanent disability. The witnesses

are certified as credible, and the surgeons to be regular practicing physicians and surgeons of Plymouth, New Hampshire, and reputable in their profession. The petitioner's claim was refused at the Pension office on the ground that his evidence was insufficient. Your committee have carefully examined the testimony, and are satisfied that petitioner has fully sustained his claim, and therefore report a bill allowing him a pension of four dollars per month.